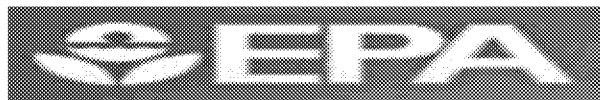


Message

From: R3Press [R3Press@epa.gov]
Sent: 8/27/2021 10:05:28 AM
To: Landis, Jeffrey [Landis.Jeffrey@epa.gov]
Subject: FW: Region 3 - Philadelphia Daily News Alert

From: Cision Subscriber <noreply@cision.com>
Sent: Friday, August 27, 2021 10:03:19 AM (UTC+00:00) Monrovia, Reykjavik
To: R3Press <R3Press@epa.gov>
Subject: Region 3 - Philadelphia Daily News Alert



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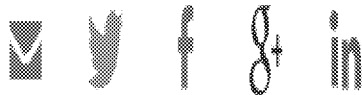
Broadcast

Look no further than high school sports this message pursued other Delaware Interscholastic athletic Association and Delaware Association of athletic directors, many employees unable to work because of kobe 19 related reasons may be able to take up to two

That serve full lose solar that's in combat, to keep us safe. For more than 20 years UN GC has been providing education online and with virtual advising no-cost digital textbooks and Affordable education is within your reach no application fee if you apply...

Source WDEL-FM - Aug 26, 2021

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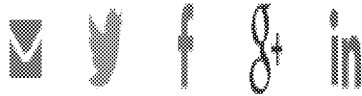


support for NPR, comes from the station and from Procter & gamble, maker of align probiotic a daily supplement to support just of health containing a probiotic strain developed by gastroenterologists with 20 years of research more at allowing probiotics D

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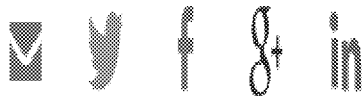


But with protection plan from BGE home if something breaks well fix-it you paying nothing for covered parts & labor visit bd home Dotcom BG homes Somerset company's pg rated lazy Tilly one 06 05 WVa ELT 11 whether we have an air quality alert again today

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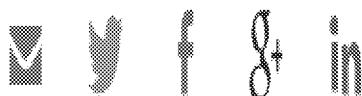
Online

Afirmmune's Epeleuton shows large decreases in viral load and pathological changes in COVID-19 study

...ethyl ester, a derivative of an endogenous downstream metabolite of **EPA**. Epeleuton is a new chemical entity. Epeleuton's...

Source Pittsburgh Post-Gazette Online - Aug 26, 2021

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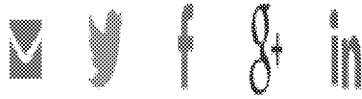


BioCryst Appoints Dr. Steven Galson to Board of Directors

...Department of Health and Human Services (HHS), Department of Energy (DOE), **Environmental Protection Agency (EPA)** and...

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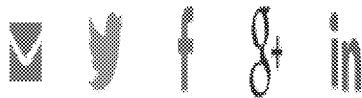


Rooter Hero offers tips for East Bay homeowners in honor of National Water Quality Month

...to preserve fresh water by following a few easy tips. Since 2005, the **Environmental Protection Agency** has designated the...

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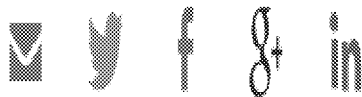


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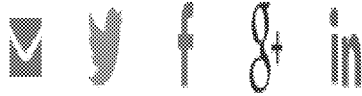


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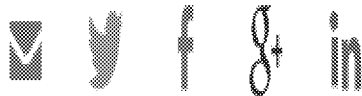


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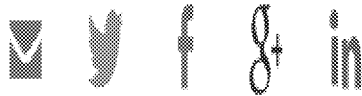


Toyota Marks 50-Millionth Corolla Sold

...advanced tech, sporty style and top-level comfort with up to 53/52/52 **EPA** estimated MPG in the hybrid model and the protection of...

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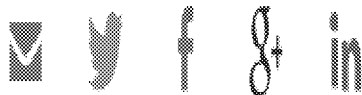


Lehigh Valley will endure a few more days of sultry summer weather; excessive rainfall enters the forecast again

...are on tap through the end of the week, and the Pennsylvania Department of **Environmental Protection** has issued a code orange air...

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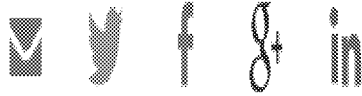


Banyan Water Releases 2021 W.A.T.E.R. Report Analyzing Costly Water Mismanagement and Historic Droughts

...a month during the height of its 2018 water crisis-secured the esteemed **EPA** WaterSense label on select products, and, in 2020,...

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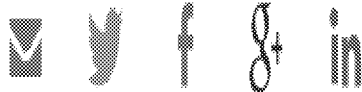


Why Experts Expect Lithium Supply Will Keep Growing Along With Rising Electric Vehicle (EV) Demand

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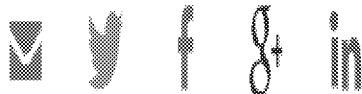


Gartner Says Executive Leaders Must Act Now in Evaluating 7 Trends for an Effective Strategic Planning Process

...political, economic, cultural, ethical and legal changes supporting **environmental protection** and sustainability. Resnick said...

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Chemical Insights Research Institute of Underwriters Laboratories Inc., Teams with EPA's Office of Research and Development to Evaluate Safety Risks of DIY Air Cleaners for Wildfire Indoor Pollution Control

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Most humid cities in America

...lead to fish kills or harmful algae blooms, according to the United States **Environmental Protection** Agency. Mark Taylor...

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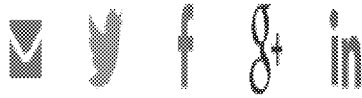
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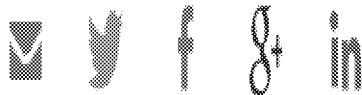


Guest Opinion: Why the country's hottest Senate race needs a candidate focused on climate

...are in their 30s, a report sponsored by the Pennsylvania Department of **Environmental Protection** predicts that average daily...

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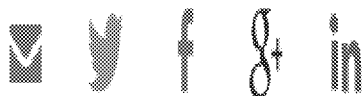


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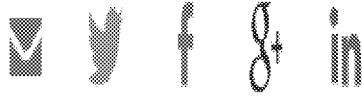
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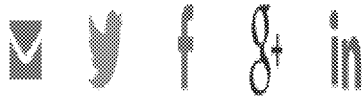


Gaps in wildfire smoke warning network leave people exposed

...sensors is now displayed on an interactive smoke exposure map by the U.S. **Environmental Protection** Agency and Forest Service. ...

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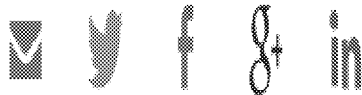


Distribution Transformers Market Report 2021 - Global Trajectory & Analytics to 2027 - ResearchAndMarkets.com

...Emissions of Select Regions/Countries Green Transformer Program Supports **Environmental Protection** Benefits of Low-Loss...

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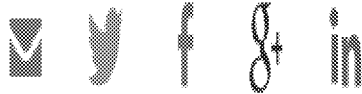


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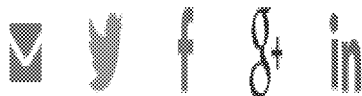


Center for Biological Diversity: Biden EPA Urged to Strengthen Clean Car Rules to Protect Climate

...Center for Biological Diversity offered live testimony today urging the **Environmental Protection** Agency to strengthen its...

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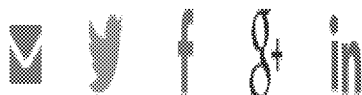


U.S. Water Systems Are Consolidating Slower Than Needed To Improve Public Health Outcomes

...state policies on consolidation are already coming on line, but **EPA** should prioritize a new policy to incentivize more...

Source Water Online - Aug 26, 2021

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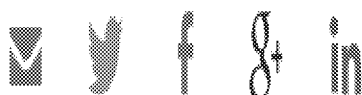


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...data processing in space are now capable of monitoring agriculture, **environmental protection**, and geology down on Earth. This, in...

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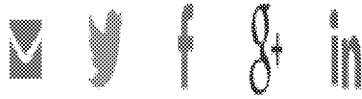


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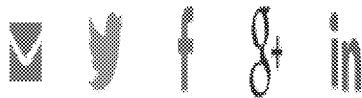


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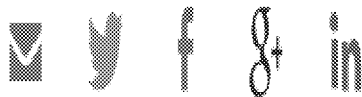


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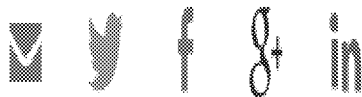


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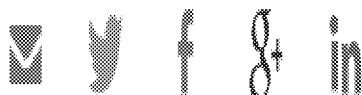


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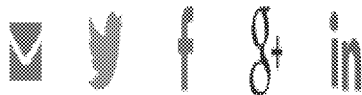


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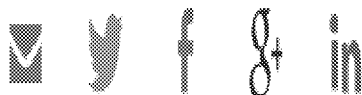


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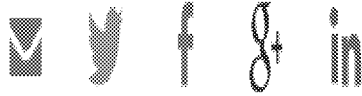


Zenith Energy Announces Significant Increase in Supply of Renewable Fuel for the Pacific Northwest

...in Houston, as well as core values, including Safety First and **Environmental Protection**. For more information, please visit...

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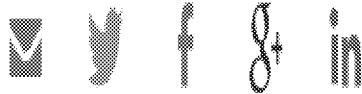


Tupan Released a New Currency to Help Promote Global Environmental Regeneration

... ICO is the best opportunity for you to join the **environmental protection** market in Amazonia and anywhere in the...

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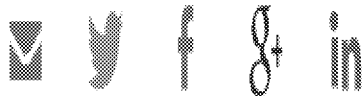


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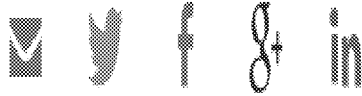


Gaps in wildfire smoke warning network leave people exposed

...sensors is now displayed on an interactive smoke exposure map by the U.S. **Environmental Protection** Agency and Forest Service. ...

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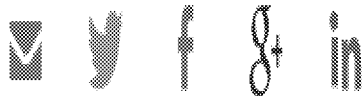


Let the Coast Guard Show Its Stripes

...unregulated fisheries enforcement; pollution response; vessel inspections;
environmental protection; and more. When pursuing its...

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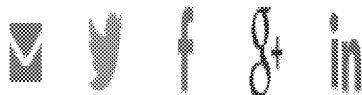


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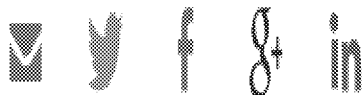


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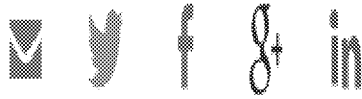


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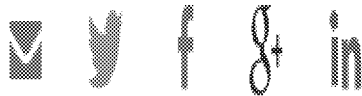


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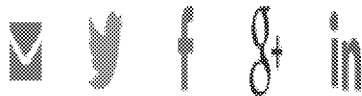


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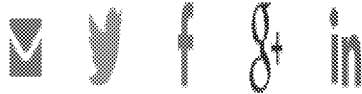


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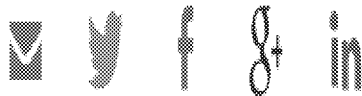


High level of algae closes swim beach at Blue Marsh Lake

... The corps said it has been working with the Pennsylvania Department of **Environmental Protection** to conduct sampling and testing at...

Source WFMZ-TV Online - Aug 26, 2021

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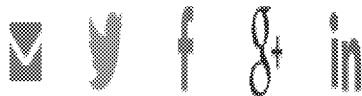


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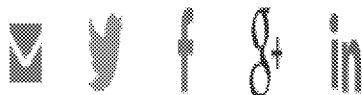


All County Ocean Water Beaches Safe for Bathing Aug. 26, 2021

...were within the standard Aug. 26, according to the state Department of **Environmental Protection** (DEP). The Aug. 26 coastal flight,...

Source Cape May County Herald Online - Aug 26, 2021

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In dog testing debacle, Fauci isn't 'following the science'

...President Donald J. Trump, and with bipartisan support in Congress, the **Environmental Protection** Agency, the Food and Drug...

Source Washington Times Online - Aug 26, 2021

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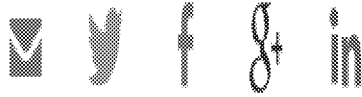
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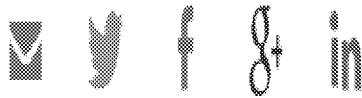


Gaps In Us Wildfire Smoke Warning Network Leave Many Exposed

...smoke pollution specialist with the Washington Department of Health. The **Environmental Protection** Agency on Wednesday...

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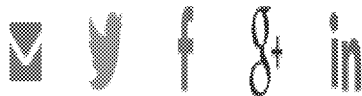


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...smoke pollution specialist with the Washington Department of Health. The **Environmental Protection** Agency on Wednesday...

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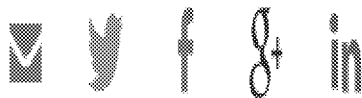


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West Nile virus found in Tamaqua

...into the pan. The mosquitoes are then sent to the state Department of **Environmental Protection** for testing if enough are collected. ...

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California towns choked by hazardous air from wildfire smoke

...premature death in people with heart and lung disease, according to the **Environmental Protection** Agency. The big picture: The...

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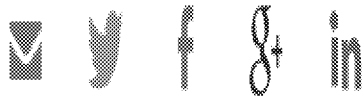
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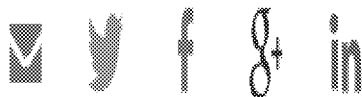


(\$44.39Bn by 2028) Commercial Vehicle Transmission Oil Pump and Transmission System Market Growth Forecast at 6.1% CAGR During 2021 to 2028 COVID Impact and Global Analysis by TheInsightPartners.com

...fuel consumption and CO2 emissions while preserving performance. The **Environmental Protection Agency (EPA)** and the...

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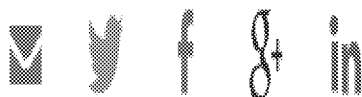


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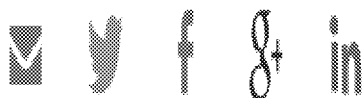


Sununu signs PFAS water protection bills for New Hampshire

...kidney cancer to high cholesterol and problems in pregnancies. The U.S. **Environmental Protection Agency** has classified the...

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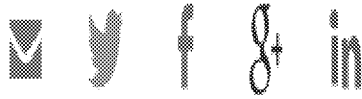
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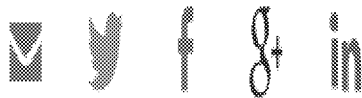


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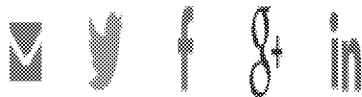


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Cleanup of lead-contaminated NJ site getting boost from EPA

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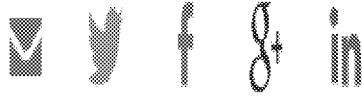
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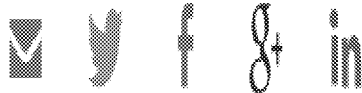


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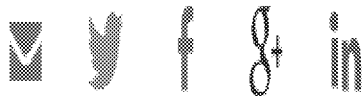


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Philly councilmember joins EPA's Local Government Advisory Committee

...about environmental policy and decision-making on Wednesday. The **Environmental Protection** Agency's Local Government...

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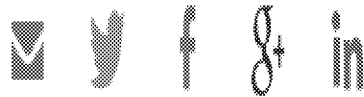
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Students, parents get first look at new Wilkes-Barre Area High School

...project that started in 2018. During a ribbon cutting ceremony leaders in **environmental protection** spoke about how important it was...

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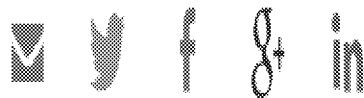


Gaps in US wildfire smoke warning network leave many exposed

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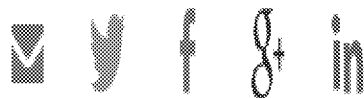


Daring to Defend the Federal Bureaucracy

...in the completed or looming employee dismissals at agencies such as the **Environmental Protection** Agency and the General...

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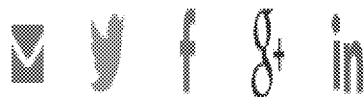


Virginia environmental regulators make preliminary decision to issue key water permit for Mountain Valley Pipeline

...under the federal Clean Water Act from the West Virginia Department of **Environmental Protection**. Mountain Valley is also seeking...

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Faster and Farther: Lucid Announces Performance and Range Versions of Lucid Air Dream Edition

...horsepower while embodying Lucid's exacting focus on maximizing range1. **EPA** range certification is currently in process and will be...

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Excavation near formerly used oil tank, heavy rainfall may have lead to leak into Swiftwater Creek

PARADISE TOWNSHIP, MONROE COUNTY (WBRE/WYOU) - The PA Department of **Environmental Protection** is releasing more information about an oil...

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EPA neonic reviews find endangered species threat, draw ire of grower groups

...affected" by three commonly used neonicotinoid insecticides, the **Environmental Protection** Agency said in draft assessments...

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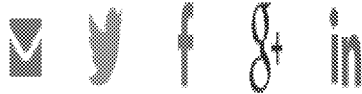
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EPA submits blending targets for review

The **Environmental Protection** Agency has sent annual blending targets to the White House for regulatory review, kickstarting a...

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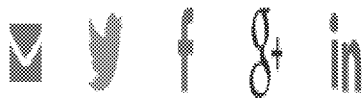


Maine Democrats break with governor in fight over dam

...News reported, citing a news release. The bill targets the Department of **Environmental Protection's** pending decision to deny a...

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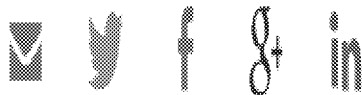


Strasburg continues no drinking water restrictions amid the harmful algae bloom

...numbness, drowsiness, incoherent speech and salivation, according to the **Environmental Protection Agency**. Dogs and livestock...

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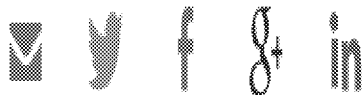


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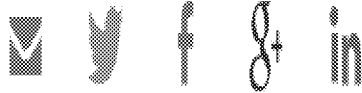


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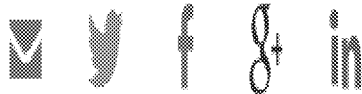


EPM and Canacol Energy Execute Contract to Guarantee Natural Gas Supply in Antioquia

...EPM in Antioquia from 2024 while prioritizing the households wellbeing and **environmental protection**. Under the terms of the...

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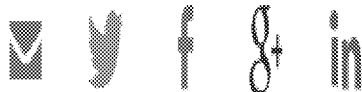


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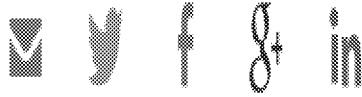


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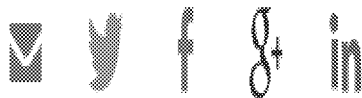


Masterman teachers and parents at odds with district over asbestos fears

...but transparency around asbestos has been an issue since 1984, when the **Environmental Protection** Agency fined the School...

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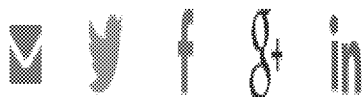


EPM and Canacol Energy Execute Contract to Guarantee Natural Gas Supply in Antioquia

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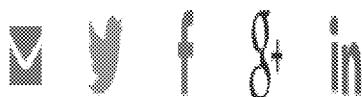


EPA bans use of pesticide linked to learning disabilities, ADHD

After a decades-long campaign by some health and labor organizations, the **Environmental Protection** Agency last week banned the...

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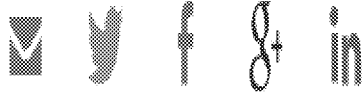


Wilkes-Barre Area cuts ribbon on new high school

...as representatives from the Governor's office and the state Department of **Environmental Protection**, which provided a \$1 million...

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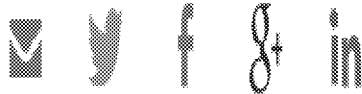


Solar panel installation begins at Allied site in Ironton

...site in Ironton to power a groundwater treatment plant there. The U.S. **Environmental Protection** Agency said in a news release...

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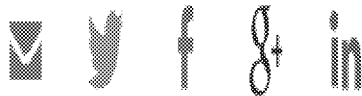


NJ beach weather and waves: Jersey Shore Report for Fri 8/27

...(weather), National Ocean Service (tides), U.S. Naval Observatory (sun), and the U.S. **Environmental Protection** Agency (UV index).

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to address radioactive water at once-notorious Camden, Gloucester City
Superfund site

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EPA to remedy Camco's radioactive site; Tainted groundwater from the Superfund site in Gloucester City and Camden has spread.
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...by Democrats over the next few weeks. The findings signal that **EPA**, other federal agencies, and states would face less of a...

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Greenway project is anything but green; LETTER: Greenway project is anything but green

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...will become a problem when adding more pavement. According to the **EPA**, "leaf canopies help reduce erosion caused by falling..."

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Va. regulators OK \$27M in coal ash compliance costs for AEP plants

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The Virginia State Corporation Commission weighed in to allow cost recovery for certain environmental upgrades that American Electric Power Co. Inc. said are necessary to keep two West Virginia coal plants online.

The State Corporation Commission, or SCC, on Aug. 23 approved (SCC docket PUR-2020-00258) about \$27.4 million in cost recovery through an annual rider for upgrades and other construction projects needed at AEP subsidiary Appalachian Power Co.'s 2,900-MW John E. Amos and 1,299-MW Mountaineer coal plants in West Virginia to comply with the the U.S. **Environmental Protection Agency's** Coal Combustion Residuals rule. Without the approval of these coal ash pond modification and retrofitting costs, Appalachian Power maintained that it would have to shut down the plants this year.

The rider is expected to increase the monthly bill of a typical residential customer by \$2.17 starting Oct. 1, according to the SCC.

However, the SCC rejected approval of about \$4.2 million in initial rider recovery for upgrades needed to comply with the Effluent Limitation Guidelines, or ELG, rule as part of a plan to keep the plants online until 2040. Regulators left open the possibility of Appalachian Power reapplying for approval of these investments.

Appalachian Power testified that the total Virginia jurisdictional share of the ELG investments would be about \$60 million.

"Based on the evidentiary record before us, we find that the company has not met its burden of proving the reasonableness and prudence of the proposed ELG investment costs, including those previously incurred," the SCC wrote in its order. "For example, we find [Appalachian Power] has not currently established that the ELG investment is reasonable and prudent from an economic or a resource adequacy perspective. ... Indeed, we find it is critically important to analyze the overall impact of this investment on both customer rates and reliability, and that the instant record is currently lacking in both regards."

The Public Service Commission of West Virginia granted a certificate of convenience and necessity (docket 20-1040-E-CN) Aug. 4 that will allow Appalachian Power and sister utility Wheeling Power Co. to make the modifications necessary to comply with federal environmental regulations at the Amos, Mountaineer and 1,560-MW Mitchell coal-fired power plants.

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EPA to address radioactive water at Camden County Superfund site; EPA to address radioactive water at once-notorious Camden, Gloucester City Superfund site

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Back before most American homes had electricity, the Welsbach & General Gas Mantle site in Camden and Gloucester City used radioactive thorium to make lamps glow brighter.

That practice stretched from the 1890s to the 1940s, but the remaining toxicity spread around the two cities in fill dirt that homes, businesses and even a swim club were built upon.

The resulting core Superfund site - which has grown to six separate locations - and the other contaminated properties, have long been sore points in neighboring Camden County cities, even as massive amounts of contaminated soil have been removed.

This week, the U.S. **Environmental Protection** Agency announced a plan to deal with groundwater contaminated with radium.

"This proposed plan continues **EPA's** work to protect residents of Gloucester City and Camden from contamination associated with this site," the **EPA's** acting Region 2 administrator, Walter Mugdan, said in a release. "Having already taken many actions to address the source of contamination, in this case we are focusing on contaminated groundwater."

The agency said it will use "natural processes to break down radioactive elements in the groundwater" into more inert substances, and further restrict use of the water, which is not used as drinking water. The **EPA** is referring to the cleanup only as "an interim plan," meaning they will monitor the groundwater for years to see if it works over the long run.

Cleanup of the site stems from the early 1990s when the New Jersey Department of **Environmental Protection** investigated 1,100 properties in Camden and Gloucester City for radiological contamination. The DEP installed gamma radiation shielding at about 30

properties and radon ventilation systems on three properties. It also purchased one contaminated residential property and relocated a business.

In 1996, a collection of the contaminated sites were placed on the Superfund National Priorities list and the **EPA** excavated tons of contaminated soil from around Gloucester City and replaced it with clean fill. Up to 100 properties were identified as potentially contaminated, and remediation continued.

The **EPA** divided its cleanup work into four phases. The last phase is the groundwater cleanup announced this week and is expected to cost \$460,000. Removal, the **EPA** said, is necessary to protect public health and the environment.

According to the U.S. Centers for Disease Control and Prevention, thorium is a naturally occurring substance found in all rocks, soil, aboveground and underground water, plants and animals. It usually leaves the body if ingested; the main way it can enter the body is by breathing contaminated dust. Studies of thorium workers have shown this can increase the chance of developing lung disease and cancer of the lung or pancreas many years after being exposed.

The **EPA** has classified the site as "Current Human Exposure Not Controlled," meaning an unsafe level of contamination had been found and people could be exposed, requiring cleanup of radioactively contaminated soil in residential neighborhoods. To reduce risk of exposure, the **EPA** and DEP installed shields at some of the properties, and demolished the former General Gas Mantle building in Camden.

The **EPA** has also completed its cleanup of 120 residential properties in Camden and Gloucester City by removing the contamination, but still has to clean 10 to 15 residential and industrial properties.

The contamination began in 1895 when the Welsbach Company started making gas mantles - a device for generating incandescent bright white light when heated by a flame - at its Gloucester City location, which became the largest of its kind in the U.S. The company imported monazite ore as a source of the radioactive element thorium. At its peak, Welsbach produced 250,000 mantles per day.

Leftover material from the processed ore was used as ground fill throughout Gloucester City, including in the construction of homes and businesses, and in low-lying areas around the facility. After it closed in 1940, Welsbach buildings were demolished and that debris was also used as fill.

Its nearby competitor opening in 1912 and closing in 1941, General Gas Mantle in Camden, was smaller but caused similar contamination. The property was combined with Welsbach as part of a single Superfund site.

Some of those areas that have been cleaned for redevelopment now contain businesses, port facilities, ball fields, a school and a theater.

The **EPA** will hold a virtual public meeting on the plan at 6 p.m. Sept. 8.

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EPA to remedy Camco's radioactive site; Tainted groundwater from the Superfund site in Gloucester City and Camden has spread.

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ABSTRACT

Tainted groundwater from the Superfund site in Gloucester City and Camden has spread.

Back before most American homes had electricity, the Welsbach & General Gas Mantle site in Camden and Gloucester City used radioactive thorium to make lamps glow brighter.

That practice stretched from the 1890s to the 1940s, but the remaining toxicity spread around the two cities in fill dirt that homes, businesses, and even a swim club were built upon.

The resulting core Superfund site - which has grown to six separate locations - and the other contaminated properties have long been sore points in neighboring Camden County cities, even as massive amounts of contaminated soil have been removed.

This week, the U.S. **Environmental Protection** Agency announced a plan to address groundwater contaminated with radium.

"This proposed plan continues **EPA's** work to protect residents of Gloucester City and Camden from contamination associated with this site," the **EPA's** acting Region 2 administrator, Walter Mugdan, said in a release. "Having already taken many actions to address the source of contamination, in this case we are focusing on contaminated groundwater."

But much of the plan means simply letting nature take its course and allowing radioactive decay to occur while the **EPA** restricts use of the polluted water, monitors it, and continues cleanup of nearby contaminated land. The **EPA** says that cleaning up the land prevents further contamination of the water.

The agency said it will use "natural processes to break down radioactive elements in the groundwater," which is not being used as drinking water.

The **EPA** is referring to the action only as "an interim plan," meaning it will monitor the groundwater for years to see if it works over the long run. It should take little under six years more for the Radium-228 isotope given off by thorium to decay on its own, according to the agency.

Cleanup of the site stems from the early 1990s when the New Jersey Department of **Environmental Protection** investigated 1,100 properties in Camden and Gloucester City for radiological contamination. The DEP installed gamma radiation shielding at about 30 properties and radon ventilation systems on three properties. It also purchased one contaminated residential property and relocated a business.

In 1996, a collection of the contaminated sites were placed on the Superfund National Priorities list and the **EPA** excavated tons of contaminated soil from around Gloucester City and replaced it with clean fill. Up to 100 properties were identified as potentially contaminated, and remediation continued.

The **EPA** divided its cleanup work into four phases. The last phase is the groundwater cleanup announced this week and is expected to cost \$460,000. Removal, the **EPA** said, is necessary to protect public health and the environment.

According to the U.S. Centers for Disease Control and Prevention, thorium is a naturally occurring substance found in all rocks, soil, aboveground and underground water, plants, and animals. It usually leaves the body if ingested; the main way it can enter the body is by breathing contaminated dust. Studies of thorium workers have shown this can increase the chance of developing lung disease and cancer of the lung or pancreas many years after being exposed.

The **EPA** has classified the site as "Current Human Exposure Not Controlled," meaning an unsafe level of contamination had been found and people could be exposed, requiring cleanup of radioactively contaminated soil in residential neighborhoods. To reduce risk of exposure, the **EPA** and DEP installed shields at some of the properties, and demolished the former General Gas Mantle building in Camden.

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Some of those areas that have been cleaned for redevelopment now contain businesses, port facilities, ball fields, a school, and even a theater.

The **EPA** will hold a virtual public meeting on the plan at 6 p.m. on Sept. 8. Registration is at <https://welsbach-ggm.eventbrite.com>.

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ACE GHG Rule Supporters Renew Push For High Court To Reinstate Rule

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August 25, 2021 States and coal producers that support the Trump **EPA's** Affordable Clean Energy (ACE) coal plant greenhouse gas rule are renewing their call for the Supreme Court to reverse an appellate court's vacatur of the regulation, over objections from the Biden administration and its allies including other states, environmentalists and utilities.

The GOP-led states and coal companies hope to block future ambitious **EPA** power plant GHG rules. Their new reply briefs conclude briefing in four related cases ahead of the justices' Sept. 27 conference to determine whether to grant the petitions for a writ of certiorari and hear the dispute in their new term beginning in October.

EPA and its allies have pushed the high court to deny cert as the agency continues developing a third iteration of power plant GHG rules under section 111(d) of the Clean Air Act.

An Aug. 24 filing by a West Virginia-led coalition with 18 other states argues that "this is the right case and the right time to resolve the universally important questions presented" about **EPA's** 111(d) authority.

The states say that **EPA** and its supporters do not "explain how circumstances are likely to change by the time **EPA** finalizes a third rule and the lower court (potentially) weighs in" after the Biden **EPA** completes its rule.

"Second, the purported benefits of waiting are illusory," the filing says. "No one disputes that these issues have been thoroughly developed by dozens of parties over two rounds of rulemaking and D.C. Circuit litigation," the states say. They add that the court in the past has granted cert "to resolve legal questions central to a new agency decision on remand."

The filings respond to the Biden **EPA's** Aug. 5 reply brief urging the justices to pass on taking the case because courts should not "speculate" about the potential approach of the agency's forthcoming regulation to replace both ACE, which took a narrow view of the agency's authority, and the Obama-era Clean Power Plan (CPP), which found broad authority to impose fuel switching from higher-emitting plants to lower-emitting sources.

The agency and its backers note that neither ACE nor the CPP are in effect, meaning power plants face no current GHG requirements from the agency.

The Supreme Court in early 2016 stayed implementation of the CPP, but the U.S. Court of Appeals for the District of Columbia Circuit never issued a merits-based decision on that rule because the Trump administration repealed it and replaced it with ACE.

"Any further judicial clarification on the scope of **EPA's** authority under [section 111(d)] would more appropriately occur at the conclusion of the upcoming rulemaking, when the courts can review a concrete and considered **EPA** rule," the agency said.

EPA has no stated deadline to issue a replacement rule, punting the regulation to a "long-term" action in its June 11 regulatory agenda.

North Dakota in an Aug. 23 reply makes arguments similar to the other states for why the court should reverse, including that the Jan. 19 decision by the U.S. Court of Appeals for the District of Columbia Circuit vacating ACE and finding the CPP repeal to be unlawful "presents a justiciable issue on **EPA's** authority under the Clean Air Act" and "implicates issues the court has recognized as presenting a case and controversy meriting certiorari review."

The coal-heavy state also argues that the D.C. Circuit's decision "implicates issues of national importance" and so the Supreme Court should not wait for the conclusion of the rulemaking to address them.

Coal Companies

The North American Coal Corp. in its Aug. 24 filing argues that **EPA** and its backers -- 23 states, eight cities, 13 health and environmental groups, three utility trade associations and six power companies -- "urge that the important statutory question presented here not be reviewed. Respondents protest too much."

The company adds that this issue has been debated for nearly a decade and criticizes the D.C. Circuit's ruling reversing the CPP repeal for failing to address the high court's 2016 stay.

Another coal producer, Westmoreland Mining Holdings, charged in its Aug. 24 reply brief

that a delay by the high court in taking up the issue "would only inflict damaging uncertainty on industry and the States, frustrate investment, and require yet another years-long voyage of discovery through administrative proceedings and the courts before the very same set of issues reaches this Court again."

This company argues that even if the Biden **EPA's** eventual rule does not implicate the high-profile issue of whether its GHG targets can be based on "beyond the fence line" actions by power plants, the high court can still review the company's claim that the agency lacks underlying authority for any standards due to its interpretation of section 111(d).

Those issues "remain live and important notwithstanding any adjustments **EPA** may make to the technical details," the coal company argues.

Attorney Paul Seby, who represents North Dakota, tells Inside **EPA's** Climate Extra that **EPA's** argument that the GOP-led states are seeking an "advisory opinion" from the high court is "puzzling" because these states are actually urging the court "to vacate the D.C. Circuit's decision and reinstate **EPA's** ACE rule. . . . There is nothing 'advisory' about that." -- Dawn Reeves (dreeves@iwpnews.com)

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Schumer Says Most Of Biden's GHG Pledge To Come From Reconciliation

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August 25, 2021 Senate Majority Leader Chuck Schumer (D-NY) is circulating an analysis that shows nearly two-thirds of greenhouse gas reductions needed to achieve the Biden administration's pledge under the Paris climate agreement will come from reconciliation legislation being developed by Democrats over the next few weeks.

The findings signal that **EPA**, other federal agencies, and states would face less of a burden in contributing toward the administration's climate targets via regulation and other policies than if the pending bill were to fail, a point some White House officials have previously emphasized.

In an Aug. 25 "dear colleague" letter, Schumer touted a range of climate measures Democrats plan to include in the reconciliation legislation, but especially measures aimed at creating a Clean Electricity Payment Program and a range of clean energy and clean vehicle tax incentives.

"There are many important policies in the budget that will help us achieve our goals, but there are two in particular that will work together to get us there: the Clean Electricity Payment Program in combination with the Senate Finance Committee's clean energy and vehicle tax package," says Schumer's letter, which was first reported by Axios.

Schumer's analysis is not surprising since Democrats have been saying for months the bulk of President Joe Biden's climate and economic agenda will be implemented through reconciliation procedures allowing Democrats to circumvent a GOP Senate filibuster.

But the analysis offers new details on how the Biden administration plans to achieve its Paris accord pledge of halving GHG emissions based on 2005 levels by 2030, data key Senate Republicans have long sought but which officials have so far declined to provide.

It also details the stakes for Democrats should they fail to enact the massive legislation in advance of a next round of international climate talks in Glasgow, Scotland, in November.

"When you add Administrative actions being planned by the Biden Administration and many states -- like New York, California, and Hawaii -- we will hit our 50 percent target by 2030," says the Schumer letter.

Such findings underscore statements from domestic climate chief Gina McCarthy, who earlier this year detailed multiple ways the Biden administration plans to help the private sector advance low-carbon energy, arguing such federal investment can help end a sole "reliance on regulation" to reduce GHGs.

"We're not just talking about strategies to regulate," McCarthy said March 4 at the CERWeek virtual energy conference. "If we're asking you to achieve certain levels [of GHG cuts], what are we going to put on the table like we're supposed to do as grown-ups? To say the federal government will be there to support you."

Schumer's analysis also underscores the political argument top Democrats have been making as they urged recalcitrant House Democrats to support the budget resolution that unlocks the streamlined reconciliation process.

For example, John Podesta, who served as White House chief of staff in the Clinton administration and a climate advisor to President Barack Obama, argued earlier this week that "the cost of inaction is greater than the cost of action" when it comes to climate change, adding "if reconciliation stalls," the "climate catastrophe" will be "imminent."

Infrastructure Measures

Schumer's office analyzed the GHG reductions of both the \$1 trillion bipartisan infrastructure package the Senate approved earlier this month as well as the budget resolution directing the drafting of a \$3.5 trillion reconciliation legislative package.

While the bipartisan bill includes some climate elements, the resolution outlines more significant provisions, including the clean power incentives, fees on methane and carbon-

intensive imports, and clean energy tax breaks.

As such, Schumer's analysis finds most of the emission cuts will come from the Democrats-only reconciliation plan.

"My team aggregated the best available data from a wide range of organizations that specialize in policy analysis for each emissions reducing policy in the Infrastructure Investment and Jobs Act, and each proposed policy for the budget resolution," the letter says.

Specifically, the analysis found proposals for the clean electricity program and the tax incentives would achieve 41.9 percent of the emission reductions needed to cut GHGs by 45 percent by 2030, according to a chart accompanying the letter.

Provisions for clean vehicle incentives would result in 15.7 percent of both bills' GHG cuts, and planned methane fees would contribute 9.1 percent. All of those policies are contained in the budget resolution plan.

Clean energy provisions in the bipartisan infrastructure deal such as cleaning up abandoned mines and demonstration projects for decarbonizing industrial facilities would contribute 0.5 percent and 1.2 percent, respectively, according to the chart.

The House approved its version of the budget resolution on Aug. 24, after the Senate moved its version on Aug. 11, clearing the way for authorizing committees to begin drafting reconciliation legislation over the next few weeks.

The House is slated to vote on the bipartisan infrastructure deal by Sept. 27, while the Senate cleared its version of the \$1 trillion deal on Aug. 10. -- Rick Weber (rweber@iwnews.com)

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EPA Faces Environmental, EV Sector Calls To Tighten Vehicle GHG Plan

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August 25, 2021 Environmentalists and some industry groups are pressing **EPA** to tighten its proposed near-term vehicle greenhouse gas plan to spur more emissions cuts and possibly greater electric vehicle (EV) adoption than the agency's preferred option, highlighting the pressure officials face to write ambitious standards.

The groups' appeals, raised at **EPA's** Aug. 25-26 public hearing on its proposed update to model year 2023-2026 rules, come as outside observers and the agency itself cite the rules as just a first step toward stricter rules.

Many comments from the hearing show general support for strengthening standards rolled back by the Trump administration as well as skepticism of proposed compliance flexibilities many groups argue could undercut the GHG benefits of the standards.

"**EPA** must maximize the pollution reductions, minimize the loopholes, and finalize the rule this year," said Paul Billings, the senior vice president for advocacy at the American Lung Association (ALA), in Aug. 25 remarks.

Such criticisms align with recently unveiled concerns that the Office of Management and Budget told **EPA** officials during internal review of the proposal that it may not be strict enough.

Early reaction from major automakers included expected Aug. 26 testimony from the trade group Alliance for Automotive Innovation saying it "supports the goals of **EPA's** GHG program" but calls for a "comprehensive national strategy" including "state, local and federal investments" to enable the transition to EVs.

Officials from Ford, Hyundai and other automakers were also scheduled to address the Aug. 26 session.

ALA's Billings was the first witness at a proceeding in which numerous environmental and public health groups questioned "loopholes" in the proposal they claimed could erode the program's stringency.

Multiple environmentalists urged **EPA** to adopt a final rule at least as stringent as the plan's "alternative 2" that would adhere more closely to Obama-era standards than the agency's default. Some specifically also referenced **EPA's** separate request for comment on toughening the requirement in MY26, which would result in a GHG standard 5 to 10 grams per mile (gpm) lower in that year than the agency's preferred option, reflecting the potential for quicker deployment of EVs than expected in **EPA's** default plan.

One source familiar with the issue says environmental groups prior to the proceeding appeared to reach a degree of consensus in support of alternative 2, as well as the related push for a tighter MY26 standard.

In this vein, Billings' testimony encourages "**EPA** to pursue, at a minimum, the stringency laid out in Alternative 2, and remove excess crediting and loopholes that will work to reduce the real-world benefits of this more health-protective alternative."

Natural Resources Defense Council (NRDC) staff scientist Vijay Limaye in Aug. 25 testimony likewise urged that **EPA** finalize a rule "at least as stringent as alternative 2" and argued that the net benefits of stronger car rules are "even higher than those currently estimated by **EPA**," citing a peer-reviewed analysis he co-authored on health costs from

climate change not necessarily factored into **EPA's** plan.

NRDC also noted that **EPA's** "stronger alternative would achieve between \$8 billion and \$16 billion more net benefits than the preferred proposal over the lifetimes of MY23-26 vehicles," the group said in a blog post.

Center for Biological Diversity staff attorney Scott Hochberg also called for tougher rules and criticized the **EPA** proposal as falling far short of needed ambitions and jeopardizing longer-term GHG cuts. But he acknowledged the alternative 2 and MY26 options in **EPA's** plan as "closer to the mark" of what needs to happen.

EV Sector

Adding to the support for a stricter rule were additional voices from industry, including Plug In America, an association of EV drivers, as well as electric truck maker Rivian.

"Given the choices, we would advocate for alternative number 2 from the proposal, although we are concerned that it is not nearly ambitious enough," Plug in America Executive Director Joel Levin said.

Levin said **EPA's** estimate that its rule would result in an 8 percent EV penetration rate by 2026 is "simply too cautious" of a goal, given the vehicles' roughly 4 percent market share estimated for MY21.

"We urge the **EPA** to go beyond these alternatives and establish standards that aim for a 25% EV market share for 2026, which would put us on track to achieve 100% EV market share by 2035, as many countries and a number of U.S. states have already committed to," he said.

Rivian's public policy director Chris Nevers in prepared remarks added that **EPA's** near-term plan "leads in the right direction," but he also endorsed alternative 2, while flagging concerns over several compliance flexibilities in the proposal as delaying progress toward the administration's goals. He specifically flagged **EPA's** proposal to extend credit "multipliers" for EVs and other advanced technology vehicles.

"[P]erhaps counterintuitively, we recommend not extending the credit multiplier for advanced technology vehicles. This multiplier is no longer needed and weakens the stringency of the program as a whole by double-counting emissions reductions," Nevers argued.

The potential for EV credit multipliers to slow, rather than speed, deployment of EVs is also coming up in other venues, including research by Yale University economist Kevin Gillingham suggesting that such multipliers could reduce EV sales.

"[C]ounting electric vehicles under a standard with a multiplier or assuming zero upstream emissions can reduce electric vehicle market share by weakening the standards," Gillingham writes in a May paper.

That conclusion appears to be at odds with **EPA's** regulatory analysis suggesting that the multipliers would actually encourage more EVs than if such credits were omitted from the rule.

Other flexibility provisions Rivian cites as potentially problematic include **EPA's** proposal to

expand from 10 to 15 gpm the allowed use of certain off-cycle emissions credits, and a proposed extension of the lifetime of other compliance credits that would otherwise expire under the program.

Environmental Law and Policy Center federal legislative director Ann Mesnikoff added during the hearing that "excessive technology credits and loopholes allow automakers to stall gasoline vehicle improvements and will fail to significantly boost the electric vehicle market given automakers' announced plans."

Compliance Credits

But the hearing showcased splits on the off-cycle credit issue, with the Manufacturers of Emissions Controls Association (MECA) Executive Director Rasto Brezny saying his group "supports **EPA**'s continuation of the off-cycle credit program at a higher credit cap in order to provide the benefit of verifiable, real-world CO2 reductions and allow us to reduce GHG emissions by all technological means."

MECA broadly embraces stronger vehicle GHG standards to keep pace with global markets, arguing Trump-era rollbacks put the U.S. "behind other strong auto manufacturing regions like Europe and China."

The group also urges that **EPA** "continue to improve and expand the off-cycle program by sharing data and resources with [the Department of Transportation and California] as well as adding a supplier-initiated process for conditional credits like that included in the California framework" agreement with several automakers.

The hearing comes as Bloomberg recently flagged some internal Biden administration criticism that **EPA**'s plan might not be stringent enough, suggesting that backers of a stronger plan might be able to leverage the public comment process to win stronger provisions.

Among the issue flagged during interagency review of the plan by one administration official was the potential for the multiplier credits to "counter-intuitively, reduce EV penetration" into the market, according to the report, the same issue Rivian referenced.

The report also more broadly cites OMB feedback to **EPA** that "most reviewers suggested considering a more stringent proposal," than what **EPA** chose as its preferred option.

But it remains to be seen how hard the Biden **EPA** will push in its near-term rule, with even some backers of stringent standards suggesting that the rule should not delay action on still-tougher long-term requirements.

"**EPA**'s top priority must be a post-2026 rule to establish a clear regulatory requirement to achieve near 100 percent zero emissions car and light truck sales by 2035," said former **EPA** official Jeff Alson in Aug. 25 testimony on behalf of the **Environmental Protection Network**. The group "strongly supports" the proposed near-term standards as the "minimum" foundation for subsequent regulations. "Any changes should be in the direction of more, not less stringent, standards."

Consulting firm ClearView Energy Partners in an Aug. 25 analysis suggests a number of factors, including the agency's discussion of limited lead time for its proposal, as a potential sign **EPA** would finalize its proposed standard, rather than alternative 2 or a separate alternative 1 that would be weaker than its default plan and largely echo the top-

line requirements of California's Trump-era deal with auto companies.

"Both alternatives may function, metaphorically speaking, as countermeasures intended to draw fire away from the central proposal," ClearView wrote.

However, the hearing also featured testimony from state officials suggesting that **EPA** should err on the side of stringency in its vehicle rule.

"**EPA** should quickly act on this proposal and adopt the most stringent alternative, while working to recognize progress leading companies have made," said California Air Resources Board Chairwoman Liane Randolph.

Northeast States for Coordinated Air Use Management representative James Flynn likewise called strong national standards "a critical building block" for state efforts to accelerate the EV transition, urging swift adoption of the "most stringent GHG emissions standards" feasible for light duty vehicle through MY26 and quick action on future rules. -- Doug Obey (dobey@iwpnews.com)

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EPA bans use of pesticide linked to learning disabilities, ADHD

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After a decades-long campaign by some health and labor organizations, the **Environmental Protection** Agency last week banned the use of the pesticide chlorpyrifos on food grown in or imported into the United States.

The pesticide has been used to control crop pests since 1965. It's most commonly used on grapes, broccoli and cauliflower and row crops.

For years advocacy groups have noted chlorpyrifos's negative effects on children's brain development, citing studies that link the pesticide to learning disabilities and ADHD. News of the ban was met with praise on social media, including several Instagram and Twitter comments that commended the **EPA** for taking action.

But in Pennsylvania, the move was greeted with less fanfare.

"I do think it's something some growers will miss not having," said William Troxell, executive director of the PA Vegetable Growers Association, which did not formally take a position on the issue. "In a lot of cases, there are other insecticides that are less toxic that are available. Oftentimes growers do appreciate having something that's known to be very effective available to them if they need it."

Troxell said according to the association's most recent data from 2020, out of 1,000 survey responses, 73% of Pennsylvania farmers consider themselves conventional, meaning they use pesticides either regularly or only when necessary.

Simmons Farms in McMurray falls into the conventional category.

"We feel comfortable using them (pesticides)," said Scott Simmons, a partner at Simmons Farms. "Being that it's a family farm, we don't want to use them any more than we have to — we eat all our own products. We try to be careful."

Simmons said growing up, his family would spray crops with pesticides daily. Now, the farm, which complies with U.S. Department of Agriculture's Integrated Pest Management (IPM) practices, only uses pesticides when necessary. Simmons said today's farmers can follow online pest trackers to determine when a certain fungus or pest will be in the area, and spray crops accordingly.

Simmons said the farm did use chlorpyrifos years ago, but hasn't used that particular pesticide in about 15 years.

"We have seen a trend in the declining use of chlorpyrifos in Pennsylvania already as growers saw signals of this coming," Emily Demsey, communications director for the state Department of Agriculture, wrote in an email. "Production of the chemical has been phased out of major producers."

The Pennsylvania Department of Agriculture does not gather data on pesticide use, but the department's observations support the Pennsylvania Farm Bureau's most recent data showing only a small percentage of farmers surveyed use chlorpyrifos regularly.

The farm bureau advocated against the **EPA** banning the use of the pesticide.

"Farmers have been using (chlorpyrifos) for decades. Every farm is different, the soil is different. A lot of farmers are making decisions based on years of research of what is working specifically on their farms," said Liam Migdail, a spokesperson for the farm bureau. "A lot of these are very, very farm-specific decisions. Whenever you take away a tool ... there's a lot of relearning that has to happen, that process of trial and error."

No relearning will take place at Redrange Farm in Fayette County.

"We do not use any chemicals in our gardens or farming areas," Lorraine Coates, who runs the farm with Roger Clawson, stated in an email. "This ban does not impact us in any way."

Some states, including Maryland, already have begun phasing out chlorpyrifos. Demsey

said the **EPA's** action is effective six months after the ban is added to the federal register, meaning it should take effect in early 2022.

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Greenway project is anything but green; LETTER: Greenway project is anything but green

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Greenway project is anything but green

There's a beautiful public paved path running alongside a .7-mile section of Leeland Road, and it's up for destruction thanks to the \$2.8 million Leeland Road Pedestrian and Bike upgrade project. This project identifies landscaping and 400 trees that are 20 years old for removal.

Why? One reason is to connect the path to the East Coast Greenway. We've been told this greenway is good for health. However, studies show that when you walk among trees, you experience less anxiety, hostility, fatigue and depression as compared to walking in an urban setting.

Where is the health benefit to cutting down so many trees, tearing up an existing path and putting in double the amount of asphalt? This is essentially removing our natural setting and creating an urban environment.

Walking, biking, and jogging are all excellent exercises, but we already enjoy doing those things here. Many times I walk that path for the sole purpose of calming my anxiety and stress. Hearing birds singing, seeing flowers blooming, looking up at the towering trees and enjoying their comfort are the benefits this area will lose.

Is this plan that good for the environment? One concern is the ability of trees to control water runoff, which will become a problem when adding more pavement.

According to the **EPA**, "leaf canopies help reduce erosion caused by falling rain. They also provide surface area where rainwater lands and evaporates. Roots take up water and help

create conditions in the soil that promote infiltration."

What about the displacement and possible killing off of the wildlife that inhabits the area along the path?

Do you like oxygen? A single tree, on average, produces 260 pounds per year. Where are the environmental benefits in losing that?

We want actual green, not 10 feet of pavement called a greenway.

Lorraine Serbinski

Stafford

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DEP in search of feedback, funding for its new statewide blight-fighting program

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West Virginia environmental regulators need local-level feedback for a new program intended to fight blight statewide.

They â€™ll also need funding.

The Department of **Environmental Protection** is asking for county and municipal leaders to offer input on what programs they have and lack to address abandoned and dilapidated structures in their communities as the department considers how to develop the new program mandated by a state law that took effect last month.

Having passed the Senate unanimously and the House of Delegates in a 99-1 vote, Senate Bill 368 established the Reclamation of Abandoned and Dilapidated Properties Program, a DEP-developed program to be supported by a special revenue fund pooling money from charitable foundations, investment earnings, federal agencies and any future state allocations.

But the program has no designated funding.

“The bill merely provided the WVDEP the opportunity, and the challenge, to identify and pursue sources,” acting spokesman Terry Fletcher said in an email.

SB 368 allows state environmental regulators to work with county commissions or municipalities and enact redevelopment plans to establish prioritized inventories of structures eligible to participate in the program, offer reuse options for high-priority sites and recommend what counties or municipalities should do to remediate abandoned and dilapidated structures.

A survey the DEP has sent to municipal and county leaders asks them whether they have a code enforcement officer, their own abandoned and dilapidated structures program and updated code enforcement laws to address those structures.

The survey asks those county and municipal leaders that have their own abandoned and dilapidated structures program if they put liens on properties that have been demolished, how their program is funded and how many structures their programs demolished in 2020 and in the past five years.

The DEP also wants to know what county and municipal average demolition costs are for residential and commercial structures and their primary need to improve their programs.

The department is requiring all responses to be submitted by Aug. 31.

Fletcher said removing dilapidated structures can result in making properties available for new development that revitalizes communities and economies.

“It can also function as a tourism related activity as it will help to clean up eyesores in communities and along roadways,” Fletcher wrote. “And it can provide a critically needed health and safety component as many such buildings are structurally unsafe and in severe disrepair.”

The special revenue fund set up by SB 368 effective July 1 is to be used solely to help county commissions or municipalities remediate abandoned and dilapidated structures in their communities by demolishing or deconstructing them and other activities approved by charitable grants or public funds.

So now, state environmental regulators are looking for funding and eyeing a potential influx of federal investments into West Virginia, as Congress inches forward toward approving sweeping, long-awaited upgrades to the nation’s infrastructure.

“Not surprisingly, the WVDEP is looking into the variety of new federal funding programs that are coming on board to see which might be viable funding candidates for the program,” Fletcher said.

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DEP in search of feedback, funding for new statewide blight-fighting program

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CHARLESTON West Virginia environmental regulators need local-level feedback for a new program intended to fight blight statewide.

They also need funding.

The Department of **Environmental Protection** is asking for county and municipal leaders to offer input on what programs they have and lack to address abandoned and dilapidated structures in their communities as the department considers how to develop the new program mandated by a state law that took effect last month.

Having passed the Senate unanimously and the House of Delegates in a 99-1 vote, Senate Bill 368 established the Reclamation of Abandoned and Dilapidated Properties Program, a DEP-developed program to be supported by a special revenue fund pooling money from charitable foundations, investment earnings, federal agencies and any future state allocations.

But the program has no designated funding.

"The bill merely provided the WVDEP the opportunity, and the challenge, to identify and pursue sources," acting spokesman Terry Fletcher said in an email.

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